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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/728,416	12/08/2003	Gordon H. Curtiss	1321	9775

7590 02/28/2006

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202 Delaware Building  
137 South Main Street  
Akron, OH 44308

EXAMINER
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DAVIS, CASSANDRA HOPE

ART UNIT	PAPER NUMBER
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3611

DATE MAILED: 02/28/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/728,416	<b>Applicant(s)</b> CURTISS ET AL.	
	<b>Examiner</b> Cassandra Davis	<b>Art Unit</b> 3611	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 06 February 2006.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 4-17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 7, 15, 17 is/are allowed.
- 6) ☒ Claim(s) 4-6 and 8-14 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

The finally of the office action mailed January 26, 2006 is herein withdrawn in view of new grounds of rejection.

#### ***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 4-6, 8-14, 16 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
3. In claim 4, line 8, it is unclear if the "power source" is the same as the power source recited on line 5. The examiner will consider favorably deleting the phrase "a power source" on line 8.
4. In claim 5, line 29 (the last line of the claim), it is unclear if the phrase "visual display lifting apparatus" is the same as the visual display lifting apparatus recited on line 8. In addition, it appears as if the applicant inadvertently deleted the term "control". The examiner will consider favorably amending the last phrase of the claim to read "adjustable potentiometer is provided with an adjustable knob and pointer, wherein said

second adjustable potentiometer is adapted to operate in communication with said electronic cycle timing device to **control said visual display lifting apparatus** deflation duration.”

5. In claim 6, line 19, it is unclear if the phrase “an upper surface and a lower surface” is the same as the lower surface and upper surface recited on line 15.

6. In claim 7, lines 11-14, it is unclear if the upper air bag and the lower air bag correspond to the visual display lifting apparatus recited on line 11.

7. In claim 8, line 21, the phrase “said strap-support loop” lacks antecedent basis.

8. In claim 9, it is unclear if the visual lifting apparatus is the same as the lower, medial, and upper air bags.

9. In claim 9, line 14, the phrases “said recesses” and “said plurality of inflatable air bags” lack antecedent basis.

10. In claim 9, line 15, the phrase “said plurality of air bags” lack antecedent basis.

11. In claim 13, it is unclear if “selected message display sheet “, line 5, is the same as the visual display recited in claim 4. In addition, it is unclear

fastener means recited in claim 4 is the same as the “corresponding fastener element”.

12. In claim 16, line 8, it is unclear if the “torque-spring anchoring cap” is the same as the torque spring anchoring cap recited on line 7.

13. In claim 16, line 43, it is unclear if the “elongated slot” is the same as the elongated slot recited in claim 15, line 12.

***Allowable Subject Matter***

14. Claims 7, 15, and 17 are allowed.

15. Claim 11 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

16. The following is a statement of reasons for the indication of allowable subject matter: Cooper, U. S. Patent 5,628,133, the close related prior art, teaches car sign comprising a manually activated air blower/bulb 12 connected to a lifting apparatus/bladder 40 by air hose 16 and a visual display sign members 26 and 28, wherein the visual display member are connect to sign member 26 is attached to the lifting apparatus 40. Cooper or the other prior art references of record does not teach a control unit

adapted for placement within an engine compartment of vehicle with a power source electrically connected to the control unit.

***Conclusion***

17. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

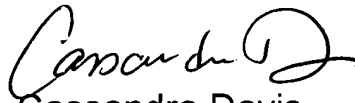
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cassandra Davis whose telephone

number is 571-272-6642. The examiner can normally be reached on Monday-Friday 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lesley Morris can be reached on 571-272-6651.

The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Cassandra Davis  
Primary Examiner  
Art Unit 3611

CD  
February 17, 2006